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REMARKS

Claims 1-12 are pending in this application.

The disclosure was objected to because item 35 shown in Figure 6 is not adequately disclosed in the specification. The paragraph beginning at page 6 of the specification is now amended to provide an adequate disclosure of item 35. Accordingly, the Examiner is respectfully requested to withdraw the objection set forth on page 3 of the Office Action.

Claims 1-10 were rejected under 35 U.S.C. 112, first paragraph, because the upper attachment point (2) is recited as being displaceably arranged "on the body" of the vehicle. Claim 1 is now amended at line 8 to recite that the upper attachment point is mounted "in" the body of the vehicle, thus overcoming the paragraph 112 rejection set forth in paragraph 5 of page 3 of the Office Action.

Claims 1-5 were rejected under 35 U.S.C. 112, first paragraph, because the component 35 is not adequately disclosed in the specification. The specification as noted above is now amended at claim 6 to provide adequate disclosure.

Accordingly, the section 112 rejection set forth at paragraph 6 of page 4 of the Office Action is now overcome and the Examiner is therefore requested to withdraw the rejection.

Reference numerals in the claims as originally filed are now removed therefrom.

Claims 1-10 were rejected under 35 U.S.C. 112, second paragraph, because claim 1 recites that the upper body attachment point is arranged displaceably in the vertical direction on the body of the vehicle.

It is noted that claim 1 is now amended to recite that the upper body attachment point is mounted for displacement in a generally vertical direction in the body of the vehicle. It is respectfully submitted that this overcomes the section 112 rejection set forth at paragraph 7, at page 4 of the Office Action. The Examiner is requested to withdraw the rejection.

Claims 1, 4, 8, and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by *Baumann et al.* (U.S. 5,884,940). Claims 1-4, 9-12 were rejected under 35 U.S.C. 102(b) as being anticipated by *Homeier et al.* (U.S. 5,015,010). Claims 1-8, 11 and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by *Jahn et al.* (U.S. 4,173,357). The 35 U.S.C. 102(b) rejection is respectfully traversed for the following reasons.

First, considering the references, *Baumann et al.* discloses a height-adjustable fastening system wherein the seat is adjustable in the horizontal direction of the vehicle. It does not disclose an arrangement which provides seat movement in a general vertical

direction caused by a spring, nor is the movement of the fastening system responsive to seat displacement in a vertical direction due to spring action.

With respect to the *Homeier et al.* reference, while it teaches a vehicle seat which is adapted to move in a vertical direction by action of the spring, the seat includes an anchor plate which is fixed directly on the upper part of the seat. It is to be noted, however, in the present invention, the upper attachment point is not directly attached to the seat, but to an element, such as a guide rail, located in the vehicle body in proximity to the seat.

With respect to the *Jahn et al.* reference, it discloses an arrangement wherein a seat is displaced in the longitudinal direction of the vehicle, but is not adapted to move in a vertical direction in response to a vertical spring movement.

Applicants' claimed invention is now directed to a height-adjusting arrangement for an upper attachment point of a seat belt, arranged in a vehicle with a vehicle seat which is spring-mounted so as to move in a generally vertical direction and wherein the upper attachment point is mounted for displacement also in a generally vertical direction in the body of the vehicle adjacent the seat and being connected to the vehicle seat via vertical seat movement transmitting means for causing the spring induced movement

of the vehicle seat in the vertical direction to bring about a corresponding vertical displacement of the upper attachment point.

It is respectfully submitted that this arrangement is neither taught nor suggested by either of the references cited and relied upon, taken either singly or in combination.

With respect to the Examiner's statement on page 5 of the Office Action regarding the recitation of structural limitations in the claim, it is respectfully submitted that claim 1 as now amended does not fall within the purview of the decision cited and relied upon. Furthermore, as set forth in MPEP §2182, "the application of the prior art reference to a means or step plus function limitation requires that the prior art element perform the identical functions specified in the claims". It is respectfully submitted that this is not found in applicants' invention as now claimed which specifically recites, inter alia, vertical seat movement transmitting means for causing the spring induced movement of the vehicle seat ... to bring about a corresponding vertical displacement of said upper attachment point"

It is to be noted that independent method claim 11 is now amended to recite method steps.

Accordingly, all of the claims now present in the application are deemed to be in condition for allowance and therefore further and favorable action is requested.

Conclusion

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$\$110.00 is attached hereto.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact William L. Gates (Reg. No. 20,848) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

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Attachment(s)